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November 27, 2019

Via ECF

Honorable Leda Dunn Wettre, U.S.M.J.
United States District Court
District of New Jersey
M.L. King Federal Building & U.S. Courthouse
50 Walnut Street
Newark, NJ 07102

Re: Giuffre v. North American Spine, LLC, et al.
Civil Action No. 2:16-cv-01641-MCA-LDW

Dear Judge Wettre:

Our office represents defendant Athas Health, LLC, in the above entitled action. On September 24, 2019, the District Court of Dallas County, Texas, 44th Judicial District, entered an order Immediately Appointing Temporary Receiver, granting Restraining Order, and Ordering Turnover of Collateral to the Receiver, in the matter of BBVA, USA, as agent v. Northstar Healthcare Acquisitions, LLC, et. al., Cause no. 19-15508. A copy of the Order is enclosed.

Athas Health, LLC, was part of a group of corporate entities listed as defendants in that matter, over which the receiver took immediate control of their assets. Page 28 of the receivership order states that all persons “are enjoined from in any way disturbing the Receivership Assets or Receivership Proceeds and from prosecuting any actions or proceedings designed to collect their debts or which involve the Receiver or which affect the property of the Defendants” without the permission of the District Court of Dallas County Texas. As stated at Paragraph 26 of the enclosed receivership order, Athas and other related corporate entities are in “wind-down mode.” The court sets forth, at Paragraph 5 of the order, that the corporate entities owe “no less than \$140 million.”

Based upon the foregoing, we respectfully request that this litigation be stayed with respect to Athas.

Respectfully submitted,

SCHENCK, PRICE, SMITH & KING, LLP
s/ Julie E. Gendel
Julie E. Gendel

cc: all counsel (via ECF); Enclosure
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